11

CF 6900

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR ( C G )

W.P. NO. 2440 OF 2003

PETITIONERS : 1. Dilip Makariya, Son of Shri Khemlal, aged about 33 years, Scheduled Tribe, Wireless Operator, Date of Appointment : 01-03-1988

2. Arun Kumar, Son of Shri B M Sharma, aged about 44 years, M.Com, LLB, Clerk, Date of Appointment : 12/3/88

3. Smt. Dulary, Wife of Dashrath Chandrakar, aged about 41 years, O B C, M.A. Clerk Date of Appointment : 01.11. 1988.

4. Raghuram, Son of Shri Samundram, aged about 51 years, Scheduled Tribe, Year of Appointment : 1982

5. Shyam, Son of Devidas Agnihotri, aged about 47 years B.Com ( Previous ), Clerk, General Category, Date of Appointment :

6. Ajay Kumar, Son of Shri Vinayakrao, aged about 36 years, Higher Secondary pass General Category, working as Wireless Operator.

7. Devendra, Son of Raghunandan Chauhan, aged about 47 years B.A., General Category, working as Wireless Operator Year of Appointment : 1988.

8. Dushyant, Son of Shri Chhannulal Harimukh, aged about 39 years, Backward Class, Clerical work, Date of Appointment : 10/4/1987.

9. Rameshwar, Son of Shri Vishram Singh, aged about 43 years, Scheduled Tribe, Peon, Date of Appointment : 5/7/1981

P. R. No. 2240/03
Presented by Shri U.L. Thakkar
dated 01.08.03

शपथ आयुक्त
एल.के. शुक्ला
बिलासपुर (छ.ग.)
बिलासपुर तहसील कोर्ट

RECEIVED COPY.
1.8.03
CLERK TO A.G. BILASPUR

PETITIONERS (CONTD) : 10. Mahesh Nath, Son of Shri Arjun Nath Yogi, aged about 42 years, Higher Secondary Pass, General Category, doing clerical work, Date of Appointment : 1980

( Petitioners 1 to 10 are working under Durg Forest Division, Durg, Dist : Durg - C G ).

11. Goverdhan, Son of Kapil aged about 44 years, Backward Class, B. Com, Year of Appointment : 1986, working as Wireless Operator DURG Forest Division, DURG ( C G ).

12. Sunil, Son of Shri Tulam Singh Thakur, aged about 43 years, General Category, M.A., doing clerical work, Date of Appointment : 01/05/1988, Raipur Forest Division Raipur ( C G ).

13. Johiruddin, Son of Mujibuddin, aged about 39 years, Higher Secondary Pass, Peon, Date of Appointment : 01/04/1987.

14. Durjan, Son of Shri Baliram aged about 39 years, Scheduled Tribe, 8th Class, doing clerical work, working as Chowkidar, Date of Appointment : 03/11/1988.

15. Roopram, Son of Shri Maniram Thakur, aged about 36 years, Higher Secondary, Date of Appointment : 17/3/1988 working as Wireless Operator.

16. Ganeshram, Son of Bhonduram Dewangan, Backward Class, aged about 36 years, Higher Secondary, Date of Appointment : 17/03/1988 working as Wireless Operator.

कपथ आयुक्त
एस.के शुक्ला
बिलासपुर (छ.ग.)
बिलासपुर तहसील क्षेत्र

PETITIONERS (CONTD)

17. Rajesh, Son of Shri G P Sharma General Secretary, aged about 39 years, Higher Secondary Pass working as Barrier Assistant, Date of Appointment 01/07/1985.

18. Lalit, Son of Shri Jhamu Prasad Sharma, General Category, aged about 42 years, Higher Secondary Pass working as Clerical work, Date of Appointment : 17/12/1988.

19. Smt. SAMLA Wife of late Shri Rameshwar, Backward Class, aged about 48 years, Date of Appointment : 07/12/1980.

20. Dinesh, Son of Shri Lokhan Sharma, aged about 42 years, General Category, Higher Secondary, working as Wireless Operator, Date of Appointment 09/05/1984.

21. Purushottam, Son of Shri Binghwar Sahu, aged about 46 years Backward class, 10th Class Pass, Year of Appointment - 1983.

22. Narad, Son of Shri Pyariram Sahu, aged about 37 years, Backward Class, Higher Secondary Pass, working as Wireless operator, Year of Appointment 1988.

23. Charan Kuldeep, Son of Gulab Singh, aged about 43 years, Scheduled Caste, Higher Secondary pass, Year of Appointment - 1988.

( Petitioners no. 14 to 23 are working under Forest Division, Durg C G ).

.... 4/-

PETITIONERS ( CONTD ) : 24. Sukalu, Son of Shri Tijau Gond, aged about 56 years Scheduled Tribe, 5th pass Peon, Year of Appointment - 01/01/1982

Forest Division, Rajnandgaon, Distt : Rajnandgaon ( C G ).

25. Kachroo, Son of Surjoo Halba, aged about 34 years Scheduled Tribe, 8th Pass, working as barrier Assistant, Forest Division, Rajnandgaon, District : Rajnandgaon ( C G )

Date of Appointment : 02/11/1986.

26. Kumbhakaran, Son of Shri Nandu Gond, aged about 32 years, Peon, Scheduled Tribe, working in Forest Division, Rajnandgaon, Distt : Rajnandgaon
Date of Appointment : 01/08/1988.

27. Roshan, Son of Shri Fakir Mohammad, aged about 37 years, B.Com working as Barrier Assistant, Forest Division, Rajnandgaon ( C G ) Date of Appointment - 03/04/1984.

28. Buddheshwar, Son of Shri L.P. Dubey, aged about 40 years, General Category M. Com. doing clerical work in Forest Division, Rajnandgaon ( C G )
Date of Appointment : 21/10/1983.

29. Jhumuklal, Son of Shri Savaliram, aged about 41 years, B.A. (Previous) Peon, working in Forest Division, Durg ( C G ).

Date of Appointment : 15/07/1987.

.... 5/-

PETITIONERS ( CONTD )

30. Rameshwar, Son of Shri Daduram Uike, aged about 41 years, 10th Class Pass, Scheduled Tribe, working as Barrier Assistant, Date of Appointment : 01/06/1988 Kawardha Forest Division, Kawardha ( C G ).

31. Lakhan, Son of Keth Yadav, aged about 45 years, Backward Class, 5th pass, Barrier Assistant, Kawardha Forest Division, Kawardha ( C G ) Date of Appointment 15/10/1985.

32. Shabbir, Son of Shri Gaffur Mohd, aged about 43 years, Backward Class, Higher Secondary Pass, Wireless Operator working in Kawardha Forest Division, Kawardha ( C G ) Date of Appointment : 16/10/1976.

33. Keshav, Son of Shri Fekoolal Bhatt, General Category, aged about 36 years, Higher Secondary Pass, working as Wireless Operator, Kawardha Forest Division, Kawardha ( C G ). Date of Appointment : 15/01/1988.

34. Arun, Son of Ramprasann Dubey, aged about 36 years, General Category, B.Com., Clerk, Kawardha Forest Division, Kawardha ( C G ) Date of Appointment : 1/7/88.

35. Madhav Lal, Son of Baliram Dhawalkar, aged about 42 years Higher Secondary, Barrier Assistant, Kawardha Forest Division, Kawardha ( C G ) Date of Appointment : 15/04/1988.

36. Santosh, Son of Shri Soman Pal, aged about 41 years, Guard, Kawardha Forest Division, Kawardha, General Category, Higher Secondary Pass.

Dt. of Appointment : 1/4/82.

...6/-

PETITIONERS ( CONTD ) : 37. Lalit, Son of late Sushewari Yadav, aged about 36 years, 8th Std. Pass, working as Barrier Assistant Kawardha Forest Division, Kawardha ( C G ) Date of Appointment : 1/4/36.

38. Neelkanth, Son of Shri Pancham Singh Sahu, aged about 37 years, 11th Std. Pass, doing clerical work at Kawardha Forest Division, Kawardha ( C G ) Date of Appointment : 1/2/87

39. Shiv Narayan, Son of Shri Baharan, aged about 40 years, Backward Class, Higher Secondary Pass, doing clerical work, Korba Forest Division, Korba ( C G ). Dt. of Appointment: 01/5/81

Kashyap

40. Krishna Prasad, Son of Shri Rajaram Yadav, aged about 42 years, Backward Class, Inter Pass, doing clerical work, Korba Forest Division, Korba ( C G ). Date of Appointment : 01/08/1982.

41. Bihari, Son of Sukhdeo Kalar aged about 42 years, Backward Class, Higher Secondary Pass, Guard, in Korba Forest Division, Korba (CG) Dt. of Appointment : 31/12/1984.

42. Kamlesh, Son of Shri Radhelal, aged about 37 years, Forward Class, B.A. doing clerical work in Korba Forest Division, Korba (CG) Dt. of Appointment : 4/10/85

43. Radheshyam, Son of Shri Sahastram Mishra, aged about 37 years, General Category, Higher Secondary Pass, doing clerical work in Korba Forest Division, Korba ( C G ) Dt. of Appointment : 01/01/1986.

...7/-

PETITIONERS ( CONTD ) : 44. Gore Singh, Son of Shri Roshan Rajput, aged about 41 years, Gen. Category, Higher Seconary Pass, doing clerical work at Khatgora Forest Division, Khatgora (CG)

Dt. of Appointment - 01/07/1988.

45. Ram Manohar, Son of Shri Rewaram, aged about 36 years, Backward Class, Higher Secondary Pass, doing clerical work at Khatgora Forest Division, Khatgora ( C G )

Dt. of Appointment - 02/05/1987.

46. Ramesh Kumar, Son of Shri Ramadhar Pandey, aged about 46 years, General Category, Higher Secondary Pass, working as Wireless Operator, Khatgora Forest Division, Khatgora ( C G ).

Dt. of Appointment : 01/01/1981.

47. Panchram, Son of Shri Dukhuram, aged about 45 years, Backward Class, 11th Std. pass, working as Barrier Assistant at Khatgora Forest Division, Khatgora ( C G )

Dt. of Appointment : 01/01/1982.

48. Kishan lal Son of Shri Ledgaram Sahoo, aged about 45 years, B.A. ( 1st Year ), Backward Class, working as Wireless Operator, Mahasamund Forest Divin, Mahasamund ( C G ).

49. Leelaram, Son of Shri Shridhar Patel, aged about years, 11th Std. Pass, doing clerical at Mahasumnd Forest Division, Mahasumund ( C G ). Dt. of Appointment - 19/03/84

...8/-

PETITIONERS ( CONTD )

50. Ghanshyam, Son of Shri Lakhanlal Dubey, General Category, 11th Std. Pass, working as Wireless Operator, Mahasamund Forest Division, Mahasamund ( C G ).

51. Indrakumar, Son of Shri Gunilal Kasare, Scheduled Caste, aged about 38 years, 8th Std. pass, working in Durg Forest Division, Durg ( C G ) Dt. of Appointment : 01/05/84

52. Pramod Soni, Son of Shri M.L. Soni, aged about 35 years, Higher Secondary, working as Wireless Operator in Bilaspur Forest Division, Bilaspur ( C G )

Date of Appointment : 01/01/88

53. Rajkumar Pandey, Son of Shri H.P. Pandey, aged about 36 yrs Driver, Higher Secondary, working in Bilaspur Forest Division, Bilaspur ( C G ) Dt. of Appointment : 04/03/86.

54. Dhirendra Pratap Singh, Son of Lalpratap Singh, aged about 36 years, working as Wireless Operator in Bilaspur Forest Division, Bilaspur ( C G ) Dt. of Appointment : 07/02/87.

55. Fekuram Yadav, Son of Shri Muritram Yadav, aged about 45 years, Guard, working in Bilaspur Forest Division, Bilaspur ( C G ) Date of Appointment : 01/01/1979.

56. Gangaram Sahu, Son of Shri Raghunath Sahoo, aged about 45 years, Guard, working in Bilaspur Forest Division, Bilaspur ( CG ) Date of Appointment : 30/03/1976.

57.. Baharamlal Yadav, Son of Shri Pyarelal aged about 40 years, Guard, working in Bilaspur Forest Division, Bilaspur (CG)

Date of Appointment : 21/6/80

...9/-

PETITIONERS ( CONTD ) : 58. Ashok Kumar Verma, Son of Shri Gayaram Verma, Guard, aged about 36 years, working in Bilaspur Forest Division, Bilaspur ( CG )
Dt. of Appointment : 02/01/1984.

59. Shrawan Kumar Koushik, Son of Shri Chetram Koushi, aged about 40 years, Guard, working in Bilaspur Forest Division, Bilaspur ( C G )
Date of Appointment : October 1984.

60. Doojram Dhrub, Son of Shri Dasroomram Dhrub, aged about 40 years, Guard, working in Bilaspur Forest Division, Bilaspur ( C G ) Date of Appointment - 08/08/1985.

61. Smt. Veena Kohle, Wife of Shri Vijay Kohle, aged about 45 years, wireless operator working in Bilaspur Forest Division, Bilaspur ( C G )
Date of Appointment - 01/01/1986.

62. Samelal, Son of Shri Bhikulal Aghariya, aged about 35 years Guard, working in Bilaspur Forest Division, Bilaspur ( C G ).
Date of Appointment : 05/08/1986.

63. Jayjayram Panariya, Son of Shri Bishram Panariya, aged about 40 years, Guard, working in Bilaspur Forest Division, Bilaspur ( C G )

64. Anil Kumar Dwivedi, Son of Shri Ramlal Dwivedi, aged about 36 years, Wireless Operator working in Bilaspur Forest Division, Bilaspur ( C G ) Date of Appointment - 12/09/1986.

...10/-

PETITIONERS ( CONTD ) : 65. Shivkumar Khande, Son of Shri Ramkhilavan Khande, aged about 36 years, Guard, working in Bilaspur Forest Division, Bilaspur ( C G ) Dt. of Appointment : 28/09/1987.

66. Ashok Sharma, Son of Shri Ramprasad Sharma, aged about 35 years, Helper, working in Bilaspur Forest Division, Bilaspur ( C G ) Date of Appointment : 01/03/1988.

67. Roshan Singh Rajpur, Son of Shri Khet Singh, aged about 35 years, Driver, working in Bilaspur Forest Division, Bilaspur ( C G ) Date of Appointment - 01/05/1988.

68. Bhagwat Prasad Yadav, Son of Shri Firtooram Yadav, aged about 40 years, Guard, working in Bilaspur Forest Division, Bilaspur ( C G ) Date of Appointment - 01/07/1988.

69. Shatrughan Keiwat, Son of Shri Udayram, aged about 40 years, Guard, working in Bilaspur Forest Division, Bilaspur ( C G ) Date of Appointment : 01/10/1987

.... 11/-

V E R S U S

RESPONDENTS :

1. STATE OF CHHATTISGARH
   through - The Principle Secretary Forest Department, Government of Chhattisgarh, Mantralaya, D.K.S. Bhawan, G.E. Road, Raipur ( C G ).

2. The Principal Secretary, General Administration Department Mantralaya, D.K.S. Bhawan, G.E. Road, Raipur ( C G ).

3. The Principle Chief Conservator of Forest, Forest Department, Government of Chhattisgarh, Secretariat, D.K.S. Bhawan, Raipur ( C G ).

4. The Conservator of Forest, Forest Division/Circle, Durg ( C G ).

एच.के. शुक्ला
बिलासपुर (छ.ग.)
बिलासपुर तहसील कोर्ट

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA

DETAILS OF THE PETITION

269

**HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR**

**DIVISION BENCH**

---

**CORAM : HON'BLE SHRI S.R. NAYAK, CJ.**
**HON'BLE SHRI D.R. DESHMUKH, J.**

---

**WRIT PETITION No1781 OF 2003**

**PETITIONERS:**

1. Chhattisgarh Dainik Vetan Bhogi Van Karmchari Sangh.
(Regd. No. 56 year 2000)
Regd. Office : Forest Colony
Near Mahasamund Taxi Stand
Raja Talab,
Raipur (C.G.)

Through :- Sayyed Jilani
S/o Mr. Sayyed Bari
Aged about 36 years,
Vice President
Chhattisgarh Dainik Vetan Bhogi
Van Karmachari Sangh
(Regd. Office – Forest Colony Near
Mahasamund Taxi Stand, Raja
Talab, Raipur (C.G.)

2. Sanat Sharma,
S/o Late Shiv Kumar Sharma,
Aged about 38 years,
Vice President
Chhattisgarh Dainik Vetan Bhogi
Karmachari Sangh
(Regd. No. 56 year 2000)
Regd. Office – Forest Colony,
Near Mahasamund Taxi Stand, Raja
Talab Raipur (C.G.)
And
Daily Wager Clerk
Divisional Forest Office,
Durg (C.G.)

Versus

**RESPONDENTS**

1. State of Chhattisgarh,
Through : Principal Secretary
Forest Department
Government of Chhattisgarh,
Mantralaya, D.K.Bhawan,
G.E. Road, Raipur (C.G.)

270

2. Principal Secretary,
General Administration Department,
Government of Chhattisgarh,
Mantralaya, D.K. Bhawan,
G.E. Road, Raipur (C.G.)

3. Principal Chief
Conservator of Forest,
Forest Department,
Govt. of Chhattisgarh,
Secretariat, D.K. Bhawan,
Raipur (C.G.)

4. Conservator of Forest,
Forest Division / Circle,
Durg (C.G.)

---

Present : Shri V.G. Tamaskar, learned counsel for the petitioners.
Shri Prashant Mishra, learned Additional Advocate General for the State.
Shri Ranbir Singh Marhas, learned Counsel for the intervener.

---

**WRIT PETITION No. 2414 OF 2003**

**PETITIONERS:**

1. Chandra Kumar Choubey, aged about 34 years, son of Shri Kundanlal Choubey
2. Nomidin Verma, aged about 38 years son of Shri Ramsunder Verma
3. Bhrigumani Pandey, aged about 34 years, son of Shri Bhuneshwar Pandey
4. Ajay Kumar Singh, aged about 35 years, son of Shri Devdhar Singh
5 Jaynarayan Singh Mehta, aged about 35 years, son of Shri Sikander Singh Mehta
6 Rajnath Prajapati, aged about 40 years, son of Shri Manbodh
7 Ramanand Yadav, aged about 36 years, son of Shri Vikram Yadav
8 Ramayan Prasad, aged about 36 years, son of Shri Ram Awtar
9 Dhanshu, aged about 37 years, son of Shri Kapsai
10 Dilbasiya, aged about 36 years, wife of Shri Sagan Ram
11 Ganesh Ram Kaser, aged about 38 years, son of Shri Sunderlal Kaser

271

12 Ashok Kumar Singh Chouhan, aged about 36 years, son of Shri Shivmangal Singh Chouhan
13 Thakur Prasad, aged about 33 years, son of Shri Aasharam,
14 Shriram Singh, aged about 33 years, son of Shri Lalji Singh
15 Naar Singh, aged about 36 years, son of Shri Jagannath Yadav
16 Babulal, aged about 37 years, son of Shri Jagmohan
17 Aavid Hussain, aged about 36 years, son of Shri Sheikh Ahmad
18 Nanhiram, aged about 37 years, son of Shri Kawarsai
19 Nansai, aged about 35 years, son of Shri Kamtasai
20 Sukhdev, aged about 36 years, son of Shri Bandhuram.
21 Jatram, aged about 38 years, son of Shri Ghasidas
22 Laxmishankar Shukla, aged about 35 years, son of Shri Amarnath Shukla
23 Arun Singh, aged about 34 years, son of Shri Jamuram
24 Dheersai, aged about 40 years, son of Shri Dhansai
25 Kunwarsai, aged about 36 years, son of Shri Chengai
26 Sukul, aged about 40 years, son of Shri
27 Dharamsai, aged about 34 years, son of Shri Jatan Sai
28 Rajendra Kumar Tiwari, aged about 35 years, son of Shri Radheshyam Tiwari
29 Jhhakkar Ram, aged about 33 years, son of Shri Bachchan Singh
30 Ram Parakh, aged about 33 years son of Shri Sona Ram
31 Dilbodh, aged about 38 years son of Shri Nansai
32 Ghasiram, aged about 40 years son of Shri Ajitram
33 Umesh Prasad Rawat, aged about 34 years son of Shri Madan Gopal
34 Suraj Yadav, aged about 36 years son of Shri Moti Yadav
35 Deoram, aged about 40 years son of Shri Kanhaiya Ram
36 Dinesh Tiwari, aged about 36 years son of Shri Balram Tiwari

37 Dalganjan, aged about 37 years son of Shri Balroop
38 Jayanti, aged about 34 years wife of Shri Nohar Sai
39 Rajendra Prasad, aged about 37 years son of Shri Nanlarika
40 Santosh Singh, aged about 34 years son of Shri Udainath Singh
41 Krishna Kumar Gupta alias Santosh Kumar Gupta, aged about 38 years, son of Shri
42 Jagdish aged about 33 years son of Shri Jagarnath

All are Employee of Forest Division, Division – Ambikapur, Distt. Surguja (Chhattisgarh)

Versus

**RESPONDENTS**

1. State of Chhattisgarh,
Through : Principal Secretary
Forest Department
Government of Chhattisgarh,
Mantralaya, D.K.S. Bhawan,
G.E. Road, Raipur (Chhattisgarh.)

2. Principal Secretary,
General Administration Department,
Government of Chhattisgarh,
Mantralaya, D.K. S. Bhawan,
Raipur (Chhattisgarh.)

3. Principal Chief
Conservator of Forest,
Forest Department,
Govt. of Chhattisgarh,
Secretariat, D.K. S. Bhawan,
Raipur (Chhattisgarh.)

4. Conservator of Forest,
Forest Division / Circle,
Surguja (Chhattisgarh)

---

Present : Smt Hamida Siddique, learned counsel for the petitioners.
Shri Prashant Mishra, learned Additional Advocate General for the State.
Shri Utkarsh Verma and Shri Vinod Deshmukh, learned counsel for the interveners.

---

273

**WRIT PETITION NO. 2440/2003**

**PETITIONERS:**

1. Dilip Makariya, Son of Shri Khemlal, aged about 33 years, Scheduled Tribe, Wireless operator, Date of Appointment : 01-03-1988.

2. Arun Kumar, Son of Shri B.M. Sharma, aged about 44 years, M.Com, LLB, Clerk, Date of Appointment : 12/03/88.

3. Smt. Dulary, Wife of Dashrath Chandrakar, aged about 41 years, OBC, M.A. Clerk Date of Appointment: 01/11/1988.

4. Raghuram, Son of Shri Samundram, aged about 51 years, Scheduled Tribe, Year of Appointment : 1982.

5. Shyam, Son of Devidas Agnihotri, aged about 47 years B.Com (Previous), Clerk, General Category, Date of Appointment:

6. Ajay Kumar, Son of Shri Vinayakrao, aged about 36 years, Higher Secondary pass General Category, working as Wireless Operator.

7. Devandra, Son of Raghunandan Chauhan, aged about 47 years B.A., General Category, working as Wireless Operator Year of Appointment: 1988.

8. Dushyant, Son of Shri Chhannulal Harimukh, aged about 39 years, Backward Class, Clerical work, Date of Appointment : 10/04/1987.

9. Rameshwar, Son of Shri Vishram Singh, aged about 43 years, Scheduled Tribe, Peon, Date of Appointment: 05/07/1981.

10. Mahesh Nath, Son of Shri Arjun Nath Yogi, aged about 42 years, Higher Secondary Pass, General Category, doing clerical work, Date of Appointment : 1980.

374

(Petitioners 1 to 10 are working under Durg Forest Division, Durg, Dist : Durg – C.G.).

11. Goverdhan, Son of Kapil aged about 44 years, Backward Class, B.Com, Year of Appointment : 1986, working as Wireless Operator Durg Forest Division, Durg (C.G.).

12. Sunil, Song of Shri Tulam Singh Thakur, aged about 43 years, General Category, M.A., doing clerical work, Date of Appointment : 01/05/1988, Raipur Forest Division Raipur (C.G.).

13. Johiruddin, Son of Mujibuddin, aged about 39 years, Higher Secondary Pass, Peon, Date of Appointment : 01/04/1987.

14. Durjan, Son of Shri Baliram aged about 39 years, Scheduled Tribe, 8th Class, doing clerical work, working as Chowkidar, Date of Appointment : 03/11/1988.

15. Roopram, Son of Shri Maniram Thakur, aged about 36 years, Higher Secondary, Date of Appointment : 17/03/1988 working as Wireless Operator.

16. Ganeshram, son of Bhonduram Dewangan, Backward Class, aged about 36 years, Higher Secondary, Date of Appointment : 17/03/1988 working as Wireless Operator.

17. Rajesh, Son of Shri G.P. Sharma General Secretary, aged about 39 years, Higher Secondary Pass working as Barrier Assistant, Date of Appointment 01/07/1985.

18. Lalit, Son of Shri Jhamu Prasad Sharma, General Category, aged about 42 years, Higher Secondary Pass working as Clerical work, Date of Appointment : 17/12/1988.

275

19. Smt. Samla, Wife of late Shri Rameshwar, Backward Class, aged about 48 years, Date of Appointment : 07/12/1980.

20. Dinesh, Son of Shri Lokhan Sharma, aged about 42 years, General Category, Higher Secondary, working as Wireless Operator, Date of Appointment 09/05/1984.

21. Purushottam, Son of Shri Binghwar Sahu, aged about 46 years Backward Class, 10th Class Pass, Year of Appointment -1983.

22. Narad, Son of Shri Pyariram Sahu, aged about 37 years, Backward Class, Higher Secondary Pass, working as Wireless operator, Year of Appointment 1988.

23. Charan Kuldeep, Son of Gulab Singh, aged about 43 years, Scheduled Caste, Higher Secondary pass, Year of Appointment – 1988.

(Petitioners no. 14 to 23 are working under Forest Division, Durg C.G.).

24. Sukalu, Son of Shri Tijau Gond, aged about 56 years Scheduled Tribe, 5th pass Peon, Year of Appointment – 01/01/1982.

Forest Division, Rajnandgaon, Distt : Rajnandgaon (C.G.).

25. Kachroo, Son of Surjoo Halba, aged about 34 years Scheduled \tribe, 8th Pass, working as barrier Assistant, Forest Division, Rajnandgaon, District : Rajnandgaon (C.G.) Date of Appointment : 02/11/1986.

26. Kumbhakaran, son of Shri Nandu Gond, aged about 32 years, Peon, Scheduled Tribe, working in Forest Division, Rajnandgaon, Distt : Rajnandgaon Date of Appointment : 01/08/1988.

27. Roshan, Son of Shri Fakir Mohammad, aged about 37 years, B.Com working as Barrier Assistant, Forest Division, Rajnandgaon (C.G.) Date of Appointment – 03/04/1984.

28. Buddheshwar, Son of Shri L.P. Dubey, aged about 40 years, General Category M. Com. Doing clerical work in Forest Division, Rajnandgaon (C.G.) Date of Appointment : 21/10/1983.

29. Jhumuklal, Son of Shri Saviliram, aged about 41 years, B.A. (Previous) Peon, working in Forest Division, Durg (C.G.) Date of Appointment : 15/07/1987.

30. Rameshwar, Son of Shri Daduram Uike, aged about 41 years, 10th Class Pass, Scheduled Tribe, working as Barrier assistant, Date of Appointment : 01/06/1988 Kawardha Forest Division, Kawardha (C.G.).

31. Lakhan, son of Keth Yadav, aged about 45 years, Backward Class, 5th pass, Barrier Assistant, Kawardha forest Division, Kawardha (C.G.) Date of Appointment : 15/10/1986.

32. Shabbir, Son of Shri Gaffur Mohd, aged about 43 years, Backward Class, Higher Secondary Pass, Wireless Operator working in Kawardha Forest Division, Kawardha (C.G.) Date of Appointment : 16/10/1976.

33. Keshav, Son of Shri Fekoolal Bhatt, General Category, aged about 36 years, Higher Secondary Pass, working as Wireless Operator, Kawardha Forest Division, Kawardha (C.G.). Date of Appointment : 15/01/1988.

34. Arun, Son of Ramprasann Dubey, aged about 36 years, General Category, B.Com., Clerk, Kawardha Forest Division, Kawardha (C.G.) Date of Appointment : 01/07/1988.

277

35. Madhav Lal, Son of Baliram Dhawalkar, aged about 42 years Higher Secondary, Barrier Assistant, Kawardha Forest Division, Kawardha (C.G.) Date of Appointment : 15/04/1988.

36. Santosh, Son of Shri Soman Pal, aged about 41 years, guard, Kawardha Forest Division, Kawardha, General Category, Higher Secondary Pass. Date of Appointment : 01/04/1982.

37. Lalit, Son of late Sushewari Yadav, aged about 36 years, 8th Std. Pass, working as Barrier Assistant Kawardha Forest Division, Kawardha (C.G.) Date of Appointment : 01/04/36.

38. Neelkanth, Son of Shri Pancham Singh Sahu, aged about 37 years, 11th Std. Pass, doing clerical work at Kawardha Forest Division, Kawardha (C.G.) Date of Appointment : 01/02/87

39. Shiv Narayan, Son of Shri Baharan Kashyap, aged about 40 years, Backward Class, Higher Secondary Pass, doing clerical work, Korba Forest Division, Korba (C.G.). Date of Appointment : 01/05/81.

40. Krishna Prasad, Son of Shri Rajaram Yadav, aged about 42 years, Backward Class, Inter Pass, doing clerical work, Korba Forest Division, Korba (C.G.). Date of Appointment : 01/08/1982.

41. Bihari, Son of Sukhdeo Kalar aged about 42 years, Backward Class, Higher Secondary Pass, Guard, in Korba Forest Division, Korba (C.G.) Date of Appointment : 31/12/1984.

42. Kamlesh, Son of Shri Radhelal, aged about 37 years, Forward Class, B.A. doing clerical work in Korba Forest Division, Korba (C.G.)

278

Date of Appointment : 04/10/85.

43. Radheshyam, Son of Shri Sahastram Mishra, aged about 37 years, General Category, Higher Secondary Pass, doing clerical work in Korba Forest Division, Korba (C.G.) Date of Appointment : 01/01/1986.

44. Gore Singh, Son of Shri Roshan Rajput, aged about 41 years, Gen. Category, Higher Secondary Pass, doing clerical work at Khatgora Forest Division, Khatgora (C.G.) Date of Appointment : 01/07/1988.

45. Ram Manohar, Son of Shri Rewaram, aged about 36 years, Backward Class, Higher Secondary Pass, doing clerical work at Khatgora Forest Division, Khatgora (C.G.). Date of Appointment - 02/05/1987.

46. Ramesh Kumar, Son of Shri Ramadhar Pandey, aged about 46 years, General Category, Higher Secondary Pass, working as Wireless Operator, Khatgora Forest Division, Khatgora (C.G.). Date of Appointment : 01/01/1981.

47. Pancharam, Son of Shri Dukhuram, aged about 45 years, Backward Class, 11th Std. pass, working as Barrier Assistant at Khatgora (C.G.). Date of Appointment : 01/01/1982.

48. Kishan lal Son of Shri Ledgaram Sahoo, aged about 45 years, B.A. (1st Year), Backward Class, working as Wireless Operator, Mahasamund Forest Divin, Mahasamund (C.G.).

49. Leelaram, Son of Shri Shridhar Patel, aged about years, 11th Std. Pass, doing clerical at Mahasamund Forest Division, Mahasamund (C.G.). Date of Appointment : 19/03/84

50. Ghanshyam, Son of Shri Lakhanlal

Dubey, General Category, 11th Std. Pass, working as Wireless Operator, Mahasamund Forest Division, Mahasamund (C.G.).

51. Indrakumar, Son of Shri Gunilal Kasare, Scheduled Caste, aged about 38 years, 8th Std. pass, working in Durg Forest Division, Durg (C.G.) Date of Appointment : 01/05/84

52. Pramod Soni, Son of Shri M.L. Soni, aged about 35 years, Higher Secondary, working as wireless Operator in Bilaspur Forest Division, Bilaspur (C.G.). Date of Appointment : 01/01/88.

53. Rajkumar Pandey, Son of Shri H.P. Pandey, aged about 36 yrs driver, Higher Secondary, working in Bilaspur Forest Division, Bilaspur (C.G.) Date of Appointment : 04/03/86.

54. Dhirendra Pratap Singh, Son of Lalpratap Singh, aged about 36 years, working as Wireless Operator in Bilaspur Forest Division, Bilaspur (C.G.) Date of Appointment : 07/02/87.

55. Fekuram Yadav, Son of Shri Muritram Yadav, aged about 45 years, Guard, working in Bilaspur Forest Division, Bilaspur (C.G.) Date of Appointment : 01/01/1979.

56. Gangaram Sahu, Son of Shri Raghunath Sahoo, aged about 45 years, Guard, working in Bilaspur Forest Division, Bilaspur Date of Appointment : 30/03/1976.

57. Baharamlal Yadav, Son of Shri Pyarelal aged about 40 years, Guard, working in Bilaspur Forest Division, Bilaspur (C.G.) Date of Appointment : 21/06/80.

58. Ashok Kumar Verma, Son of Shri Gayaram Verma, Guard, aged about

280

36 years, working in Bilaspur Forest Division, Bilaspur (C.G.) Date of Appointment : 02/01/1984.

59. Shrawan Kumar Koushik, Son of Shri Chetram Koushi, aged about 40 years, Guard, working in Bilaspur Forest Division, Bilaspur (C.G.) Date of Appointment : October 1984.

60. Doojram Dhrub, Son of Shri Dasroomram Dhrub, aged about 40 years, Guard, working in Bilaspur Forest Division, Bilaspur (C.G.) Date of Appointment : 08/08/1985.

61. Smt. Veena Kohle, wife of Shri Vijay Kohle, aged about 45 years, wireless operator working in Bilaspur Forest Division, Bilaspur (C.G.) Date of Appointment : 01/01//1986.

62. Samelal, Son of Shri Bhikulal Aghariya, aged about 35 years Guard, working in Bilaspur Forest Division, Bilaspur (C.G.) Date of Appointment : 05/08/1986.

63. Jayjayram Panariya, Son of Shri Bishram Panariya, aged about 40 years, Guard, working in Bilaspur Forest Division, Bilaspur (C.G.)

64. Anil Kumar Dwivedi, Son of Shri Ramlal Dwivedi, aged about 36 years, Wireless Operator working in Bilaspur Forest Division, Bilaspur (C.G.) Date of Appointment : 12/09/1986.

65. Shivkumar Khande, Son of Shri Ramkhilavan Khande, aged about 36 years, Guard, working in Bilaspur Forest Division, Bilaspur (C.G.) Date of Appointment : 28/09/1987.

66. Ashok Sharma, Son of Shri Ramprasad Sharma, aged about 35 years, Helper, working in Bilaspur Forest Division, Bilaspur (C.G.) Date of Appointment : 01/03/1988.

281

67. Roshan Singh Rajpur, Son of Shri Khet Singh, aged about 35 years, Driver, working in Bilaspur Forest Division, Bilaspur (C.G.) Date of Appointment : 01/05/1988.

68. Bhagwat Prasad Yadav, Son of Shri Firtooram Yadav, aged about 40 years, Guard, working in Bilaspur Forest Division, Bilaspur (C.G.) Date of Appointment : 01/07/1988.

69. Shatrughan Keiwat, Son of Shri Udayram, aged about 40 years, Guard, working in Bilaspur Forest Division, Bilaspur (C.G.) Date of Appointment : 01/10/1987.

Versus

**RESPONDENTS**

1. STATE OF CHHATTISGARH
Through : The Principal Secretary
Forest Department,
Government of Chhattisgarh,
Mantralaya, D.K.S. Bhawan,
G.E. Road, Raipur (C.G.).

2. The Principal Secretary,
General Administration Department,
Mantralaya, D.K.S. Bhawan, G.E. Road, Raipur (C.G.).

3. The Principal Chief
Conservator of Forest,
Forest Department,
Government of Chhattisgarh,
Secretariat, D.K. S. Bhawan,
Raipur (C.G.).

4. The Conservator of Forest,
Forest Division / Circle,
Durg (C.G.).

---

Present : Shri V.G. Tamaskar, learned counsel for the petitioners.
Shri Prashant Mishra, learned Additional Advocate General for the State.

---

282

**WRIT PETITION NO. 2558/2003**

**PETITIONER:** Trade Union Council, Chhattisgarh, a society registered under the Society Registrykaran Act, 1973 through its Prantiya Mahamantri Goverdhan Mishra, S/o Shri Awadesh Mishra, aged 38 years, Occupation-Service, presently posted as Daily Wages Worker in Forest Department, Raipur, R/o Raja Talab, Forest Colony, Raipur (C.G.).

Versus

**RESPONDENTS:**

1. State of Chhattisgarh through Principal Secretary, Department of Forest, D.K.S. Bhavan, Raipur (C.G.).
2. Principal Chief Conservator of Forest, Jail Road, Raipur (C.G.).
3. Chief Conservator of Forest, Raipur (C.G.).
4. Conservator of Forest, Forest Circle, Raipur (C.G.).
5. Conservator of Forest, Forest Circle, Bilaspur (C.G.).
6. Conservator of Forest, Forest Circle, Kanker (C.G.).
7. Conservator of Forest, Forest Circle, Jagdalpur (C.G.).

---

Present : Shri Rajeev Shrivastava, learned counsel for the petitioner.
Shri Prashant Mishra, learned Additional Advocate General for the State.
Shri V.R. Tiwari, learned counsel for the intervener.

---

283

**WRIT PETITION NO. 2567/2003**

**PETITIONERS:**

1. RAJENDRA PRASAD MISHRA S/o Shri Bhaiyya lal Mishra, aged about 40 years, B.A., Clerk w.e.f. 15.4.1987 Dharamjaigarh Forest Division

2. Ganesh Ram, S/o Shri Dhan Sai Chauhan, aged about 35 years, Clerk w.e.f. 15.4.1987 Higher Secondary, Dharamjaigarh Forest Division

3. Deonandan Prasad Dansena, S/o Ramlal Dansena, aged about 43 years, Higher Secondary, Chowkidar w.e.f. Feb. 1986, Dharamjaigarh Forest Division

4. Indrajeet Singh Rana, S/o Shri Poorn Chandra Rana, aged about 39 years, Higher Secondary, Typist clerk, w.e.f. 5.3.1987 Dharamjaigarh Forest Division

5. Kallu Prasad Mishra, S/o Ramesh Kumar, aged about 40 years, M.A. Clerk, 15.11.87 Dharamjaigarh Forest Division

6. Upendra Narayan Singh, S/o Shri Ram Bilas Singh, aged about 40 years, B.A., Barrier Assistant, w.e.f. 01.07.88, Raigarh Forest Division, Raigarh Distt. Raigarh (C.G.).

7. Khir Prasad, S/o Ghinu Prasad Sharma, aged about 44 years, Barrier Assistant, w.e.f. 15.04.87, Raigarh Forest Division, Raigarh Distt. Raigarh (C.G.).

8. Purshottam Patel, S/o Nanu Ram Patel, aged about 39 years, Depot Chowkidar w.e.f. 15.4.86 Raigarh Forest Division, Raigarh Distt. Raigarh (C.G.).

9. Naresh Chandra Satpathi, S/o Bhikhari Charan, aged about 40 years, Higher Secondary, Barrier

264

Assistant 1.10.1986 Raigarh Forest Division, Raigarh Distt. Raigarh (C.G.).

10. Brij Gopal Mishra, S/o Brindawan Mishra, aged about 40 years, Higher Secondary Pass, Barrier Assistant w.e.f. 15.3.88, Raigarh Forest Division, Raigarh Distt. Raigarh (C.G.).

11. Kripa Ram, S/o Gangaram Patel aged about 58 years, Forest Guard w.e.f. 15.7.1978 Raigarh Forest Division, Raigarh Distt. Raigarh (C.G.).

12. Amer Singh, A/o Acchelal, aged about 40 years, General Seventh Chowkidar appointed on 15.4.84 Durg Forest Division, Durg Distt. Durg (C.G.).

13. Mahavir Singh S/o Maden aged about years, General, Higher Secondary Sandesh Wahak 01.01.1988 Durg Forest Division, Durg Distt. Durg (C.G.).

14. Ravindranath S/o Ram Awtar aged about 40 years, Higher Secondary, Chowkidar w.e.f. 30.10.84 Durg Forest Division, Durg Distt. Durg (C.G.).

15. Ramu Deshmukh S/o Heeralal aged about 38 years, Chowkidar w.e.f. 1983 Durg Forest Division, Durg Distt. Durg (C.G.).

16. Laxminath S/o Matiram Dewangan aged about 38 years, Fifth, Sandesh Wahak 10.2.85 Durg Forest Division, Durg Distt. Durg (C.G.).

17. Shishupal S/o Chandan Singh aged about 39 years, Eirth, Chowkidar w.e.f. 1982 Durg Forest Division, Durg Distt. Durg (C.G.).

18. Hiresh Bakshi S/o M.R. Bakshi aged about 37 years, Barrier Sahayak, w.e.f. 1.3.87 Higher Secondary Durg

285

Forest Division, Durg Distt. Durg (C.G.).

19. Maniram S/o Suchiram aged about 37 years, Chowkidar w.e.f. 3.11.87, Durg Forest Division, Durg Distt. Durg (C.G.).

20. Bhusanlal, S/o Ghasiyaram aged about 34 years, Higher Secondary, Chowkidar w.e.f. 01.01.1984 Durg Forest Division, Durg Distt. Durg (C.G.).

21. Ramkhilawan S/o Ghur Singh aged about 39 years, Non-Matric, Chowkidar w.e.f. 1980 Durg Forest Division, Durg Distt. Durg (C.G.).

22. Balkishan S/o Girwer Vaishnav aged about 44 years, Higher Secondary, Chowkidar w.e.f. 1980 Durg Forest Division, Durg Distt. Durg (C.G.).

23. Govind S/o Abhimanyu Patnayak aged about 48 years, Chowkidar w.e.f. 15.4.83 Durg Forest Division, Durg Distt. Durg (C.G.).

24. Shaheed Khan S/o Sitab Khan aged about 38 years, Higher Secondary, Ropani Work w.e.f. 9.1.86 Durg Forest Division, Durg Distt. Durg (C.G.).

25. Suresh S/o Jhumuk aged about 33 years, Ropani Work w.e.f. 1985 Durg Forest Division, Durg Distt. Durg (C.G.).

26. Smt. Hema Bai W/o Lala Prasad, aged about 46 years, Fifth, appointed on 1980 Durg Forest Division, Durg Distt. Durg (C.G.).

27. Smt. Rama Bai W/o Bhikham aged about 42 years, Seventh, appointed on 1.5.81 Durg Forest Division, Durg Distt. Durg (C.G.).

28. Smt. Mathura w/o Sahdev Ropani Work w.e.f. 1979 Durg Forest Division, Durg Distt. Durg (C.G.).

29. Smt. Champi Bai W/o Madan aged about 35 years, Ropani Work w.e.f. 15.3.1982 Durg Forest Division, Durg Distt. Durg (C.G.).

30. Kamla Bai W/o Ramcharan aged about 45 years Ropani Work w.e.f. 21.12.1988 Durg Forest Division, Durg Distt. Durg (C.G.).

Versus

**RESPONDENTS**

1. State of Chhattisgarh, through : Principal Secretary Forest Department Govt. of Chhattisgarh, Mantralaya, D.K.S. Bhawan, G.E. Road, Raipur (C.G.)

2. Principal Secretary, General Administration Deptt. Government of Chhattisgarh, Mantralaya, D.K.S. Bhawan, G.E. Road, Raipur (C.G.)

3. Principle Chief Conservator of Forest, Forest Department, Government of Chhattisgarh, Secretariat, D.K. S. Bhawan, Raipur (C.G.).

4. Conservator of Forest, Forest Division / Circle, Durg, Distt. Durg (C.G.).

---

Present : Shri V.G. Tamaskar, learned counsel for the petitioners.
Shri Prashant Mishra, learned Additional Advocate General for the State.

---

**WRIT PETITION NO. 2568/2003**

**PETITIONERS:**

1. BARKAT ALI, S/o Late Shri Liyakat Ali, aged about 45 years, Clerk w.e.f. 23.1.1984 Raigarh Forest Division, Raigarh Distt. Raigarh (C.G.).

287

2. Ahivaran Singh, S/o Sidar Singh Kanwar, aged about 43 years, Peon w.e.f. 7/86 Raigarh Forest Division, Raigarh Distt. Raigarh (C.G.).

3. Karam Singh, S/o Dharam Singh Kanwar, aged about 33 years, Peon w.e.f. 7/86 Raigarh Forest Division, Raigarh Distt. Raigarh (C.G.).

4. Santram W/o Gangaram Kanwar, aged about 42 years, Peon, w.e.f. 7/86 Raigarh Forest Division, Raigarh Distt. Raigarh (C.G.).

5. Mohan Lal, S/o Sewaram Banjara, aged about 45 years, Peon, w.e.f. 4.1.87 Raigarh Forest Division, Raigarh Distt. Raigarh (C.G.).

6. Gopichand, S/o Shri Gendram Khadiya, aged about 38 years, Peon w.e.f. 16.6.80, Raigarh Forest Division, Raigarh Distt. Raigarh (C.G.).

7. Amarlal, S/o Santram Rawat aged about 39 years, Peon w.e.f. 1.12.83 Raigarh Forest Division, Raigarh Distt. Raigarh (C.G.).

8. Nandji Upadhyay, S/o Late Mahadan Upadhyay, aged about 40 years, Barrier Chowkidar w.e.f. 25.6.85 Raigarh Forest Division, Raigarh Distt. Raigarh (C.G.).

Versus

**RESPONDENTS**

1. State of Chhattisgarh,
through : Principal Secretary
Forest Department
Govt. of Chhattisgarh,
Mantralaya, D.K.S. Bhawan,
G.E. Road, Raipur (C.G.)

2. Principal Secretary,
General Administration Deptt.
Government of Chhattisgarh,
Mantralaya, D.K.S. Bhawan,
G.E. Road, Raipur (C.G.)

288

3. Principle Chief
Conservator of Forest,
Forest Department,
Government of Chhattisgarh,
Secretariat, D.K. S. Bhawan,
Raipur (C.G.).

4. Conservator of Forest,
Forest Division / Circle,
Durg, Distt. Durg (C.G.).

---

Present : Shri V.G. Tamaskar, learned counsel for the petitioners.
Shri Prashant Mishra, learned Additional Advocate General for the State.

---

**WRIT PETITION NO. 2716/2003**

**PETITIONERS:**

1. SHOBHARAM, S/o Shri Ganesh Ram Yadav, aged about 41 years, Peon w.e.f. 15.04.1988 Raigarh Forest Division, Raigarh Distt. Raigarh (C.G.).

2. Shyam Lal Sahu,
S/o Shri Juguru Sahu
Aged about 43 years,
Peon w.e.f. 15-01-86
Raigarh Forest Division,
Raigarh Distt. Raigarh (C.G.)

3. Rudra Kumar Maitri,
S/o Balak Ram Maitri
Aged about 39 years,
Peon w.e.f. 01-01-87
Raigarh Forest Division,
Raigarh Distt. Raigarh (C.G.)

4. Dayanand Pradhan
S/o Kuber Pradhan
Aged about 38 years
Peon, w.e.f. 01-10-86
Raigarh Forest Division,
Raigarh Distt. Raigarh (C.G.)

5. Shyam Sundar Patnayak
S/o Mohan Ram Patnayak,
Aged about 45 years,
Barrier Asstt. W.e.f. 15-02-87
Raigarh Forest Division,
Raigarh Distt. Raigarh (C.G.)

6. Chhabi Lal Dansena
S/o Shri Sadh Ram Dansena
Aged about 38 years,
Driver w.e.f. 15-12-87,
Raigarh Forest Division,
Raigarh Distt. Raigarh (C.G.)

7. Ishwar Prasad Yadav,
S/o Shri Maya Ram Yadav
Aged about 48 years,
Peon w.e.f. 1.12.88,
Raigarh Forest Division,
Raigarh Distt. Raigarh (C.G.)

8. Rajeshwar Singh,
S/o Khageshwar Singh
Aged about 39 years,
Clerk w.e.f. 15-6-85
Raigarh Forest Division,
Raigarh Distt. Raigarh (C.G.)

9. Indar Singh,
S/o Samaru Singh,
Aged about 45 years,
Peon w.e.f. 15-5-88
Raigarh Forest Division,
Raigarh Distt. Raigarh (C.G.)

10. Babu Lal,
S/o Taj Ram Manant
Aged about 42 years,
Peon w.e.f. 01-10-88
Raigarh Forest Division,
Raigarh Distt. Raigarh (C.G.)

11. Jagat Ram
S/o Nanki Kanwar,
Aged about 46 years,
Peon w.e.f. 01-04-87
Raigarh Forest Division,
Raigarh Distt. Raigarh (C.G.)

12. Maniram
S/o Sadh Ram Dansena
Aged about 31 years
Peon w.e.f. 01-06-87
Raigarh Forest Division,
Raigarh Distt. Raigarh (C.G.)

13. Sukhlal Rathiya
S/o Fattulal Kanwar,
Aged about 41 years,

Peon w.e.f. 01-4-84
Raigarh Forest Division,
Raigarh Distt. Raigarh (C.G.)

14. Mangal Rathiya,
S/o Ghasiram Rathiya
Aged about 41 years,
Peon w.e.f. 15-06-85
Raigarh Forest Division,
Raigarh Distt. Raigarh (C.G.)

15. Mahesh Ram Yadav
S/o Santram Yadav
Aged about 38 years,
Peon w.e.f. 01-03-88
Raigarh Forest Division,
Raigarh Distt. Raigarh (C.G.)

16. Manjit Ram
S/o Chandan Singh Nayak
Aged about 55 years
Peon w.e.f 15-10-86
Dharmjaigarh Forest Division

Versus

**RESPONDENTS**

1. State of Chhattisgarh,
through : Principal Secretary
Forest Department
Govt. of Chhattisgarh,
Mantralaya, D.K.S. Bhawan,
G.E. Road, Raipur (C.G.)

2. Principal Secretary,
General Administration Deptt.
Government of Chhattisgarh,
Mantralaya, D.K.S. Bhawan,
G.E. Road, Raipur (C.G.)

3. Principle Chief
Conservator of Forest,
Forest Department,
Government of Chhattisgarh,
Secretariat, D.K. S. Bhawan,
Raipur (C.G.).

4. Conservator of Forest,
Forest Division / Circle,
Bilaspur, Distt. Bilaspur (C.G.).

291

---

Present : Shri V.G. Tamaskar, learned counsel for the petitioners.
Shri Prashant Mishra, learned Additional Advocate General for the State.

---

**WRIT PETITION NO. 2850/2003**

**PETITIONERS**

1. Shrichand son of Bishali Aged about 45 years resident of village Bharatpur, PO and Tah. Lormi Distt. Bilaspur (CG)

2. Manohar Lal Yadav, son of Dambara Ram Yadav, aged about 35 years resident of village Salheghori, PO Salhghori, Tah Lormi Distt. Bilaspur

3. Juthel Ram son of Baloram aged about 35 years resident of village Semoriya, P.S. And Tah. Lormi Distt. Bilaspur (Chhattisgarh).

4. Seetaram son of Ayodhya Gond, aged about 41 years resident of village Bharatpur, PO Nawadih, P.S. and Tah Lormi Distt. Bilaspur (C.G)

5. Shesh Kumar Kashyap son of Radhelal Kashyap, aged about 40 years, resident of Dhobghatti PO Baigaleapa, Tah and P.S. Lormi, Distt. Bilaspur.

6. Lokmani son of Munishwar Prasad Tripathi, aged about 35 years, resident of village Lormi Tah and P.S. Lormi Distt. Bilaspur (CG)

7. Balbhandar alias Radhelal son of Chandu lal aged about 49 years resident of Saraiha P.S. Junapar Tah Takhatpur, Distt. Bilaspur (CG)

8. Antram son of Maituram aged about 35 years resident of village Lachhanpur, P.S. and Tah Lormi Distt. Bilaspur.

9. Ramkumar son of Ramji Yadav, aged about 39 years Lormi Tah and P.S. Lormi Distt. Bilaspur (CG).

292

10. Ramnarayan son of Rabil Yadav aged about 38 years resident of village Singhanpuri PO Junapar, P.S. and Tah. Takhatpur, Bilaspur

11. Dilip son of Raghubar Prasad Upadhyay, aged about 37 years resident of village and post Khudiha, P.S. Lormi Bilaspur.

12. Lalbahadur, son of Shri Makhan Singh, aged about 36 years resident of village Jhaphal PO Jhapal Tah Lormi, Distt. Bilaspur.

13. Narendra son of Chhoturam Upadhyay aged about 40 years resident of village Dinduri, PO Dinduri, Tah Lormi, Distt. Bilaspur (C.G.).

14. Bishram son of Shri Newsa Kol, aged about 41 years resident of Chachedi PO Chachedi, Tah and P.S. Lormi, Distt. Bilaspur (CG)

15. Parasram, son of Shri Dukhiram Gond, aged about 40 years resident of village Phulghar, PO Fulwari, Tah. And P.S. Lormi, Distt. Bilaspur (Chhattisgarh)

16. Chhotelal, son of Shri Kanshiram Panika, aged about 57 years resident of Khudia, POS Khudia, Tah and P.S. Lormi, Distt. Bilaspur (Chhattisgarh)

17. Kamal son of Shri Dulari Yadav, aged about 36 years resident of Khudia, PO Khudia, Tah and P.S. Lormi, Distt. Bialspur (CG)

18. Radheshyam Ramnath, aged about 39 years resident of Jhalari, PO Akhoror, Tah and P.S. Lormi, Distt. Bilaspur (C.G).

19. Bhauram son of Chandulal Kashyap, aged about 48 years resident of Saraipatera, PO Jhaipuri, Tah and P.S. Lormi, Distt. Bilaspur (Chhattisgarh).

20. Ashok Kumar son of Lochan Lal Kalar, age about 38 years resident of Khudia PO Khudia Tah and P.S. Lormi, Distt. Bilaspur (Chhattisgarh)

21. Baijnath Sahu son of Shri Bandela aged about 43 years resident of Bhimpuri, PO and Tah Takhatpur, Distt. Bilaspur (CG)

22. Tularam son of Subhram Gond, aged about 46 years resident of village Kothmuda, PO Junapara, Tah and P.S. Takhatpur, Distt. Bilaspur (Chhattisgarh).

23. Mohar Sai, son of Shri Jhabbalal Yadav, aged about 43 years resident of village Tingipur, P.O. Pali, Tah and P.S. Takhatpur, Distt. Bilaspur (Chhattisgarh)

24. Samay lal son of Shri Ramji Kalar, aged about 46 years resident of village Chorhagaon, PO Junapara, Tah and P.S. Takhatpur Distt. Bilaspur (C.G.)

25. Raamjhul son of Dhelau Gond, aged about 49 years resident of village Mohuakeepa Shantipur, Tah and P.S. Takhatpur, Distt. Bilaspur (Chhattisgarh)

26. Faghuram son of Shri Guharam Satnami, aged about 48 years resident of village Nawadih, Tah and P.S. Lormi, Distt. Bilaspur (CG)

27. Dular Singh, son of Shri Mithailal Rathore, aged about 43 years resident of village Sukli, PO Sukli, Tah Lormi Distt. Bilaspur (CG)

28. Purushottam son of Shri Prem Singh Verma, aged about 37 years resident of village Chachandih, PO Nawadih, Tah and P.S. Lormi Distt. Bilaspur (Chhattisgarh).

29. Devendra son of Shri Ramrathan Tripathi, aged about 36 years

294

resident of village Lormi Tah and P.S. Lormi, Distt. Bilaspur (Chhattisgarh)

30. Raju son of Shri Hari Dhimar, aged about 38 years resident of village Bharatpur Nawadih, Tah and P.S. Lormi, Distt. Bilaspur (CG)

31. Mangal son of Shri Bhukhau Dhimar, aged about 47 years resident of village Tulsoghat, Tah and P.S. Tah Lormi, Distt. Bilaspur (Chhattisgarh).

32. Satiram son of Najru Gond, aged about 43 years resident of village Paraswara, PO Nawadih, Tah and P.S. Tah Lormi, Distt. Bilaspur (Chhattisgarh).

33. Kumbhakaran son of Shri Ratan Lal Pradhan, aged about 46 years resident of village Bhutkochhar, Tah and P.S. Lormi, Distt. Bilaspur (Chhattisgarh).

34. Rajendra son of Shri Victor Nelson aged about 44 years resident of village Shivtarai PO Shivtarai Tah and P.S. Kota, Distt. Bilaspur (CG)

35. Ahmed Son of Shri Smail Khan, aged about 45 years resident of Jhalmalo, PO Seepat Tah and P.S. Seepat, distt. Bilaspur (CG).

36. Dhannu, son of Shri Budhram Yadav, aged about 39 years resident of village Achanakmar, PO Achanakmar, Tah and P.S. Kota, distt. Bilaspur (CG).

37. Ram Kumar son of Shri Hajarilal Kashyap, aged about 35 years resident of village Saraipatera, PO Jharpuri, Tah and P.S. Lormi, distt. Bilaspur. Chhattisgarh.

38. Sada Ram son of Shri Madhav Singh Rathore, aged about 50 years resident of village Sharda, PO Sharda, Tah and P.S. Takhatpur, Distt. Bilaspur (Chhattisgarh).

295

39. Budhram son of Shri Banshu Gond, aged about 42 years resident of village Darwaja, Tah and P.S. Akharat Lormi, distt. Bilaspur (CG).

40. Ram sahai, son of Shri Tangu Sahu, aged about 39 years resident of village Saraipatera po Jhaipuri, Tah and P.S. Lormi distt. Bilaspur (Chhattisgarh).

41. Ramnath son of Shri Kanhaiya Yadav, aged about 36 years resident of village Dhongarigarh, PO Khuria, Tah and P.S. Takhatpur, distt. Bilaspur (Chhattisgarh).

42. Bisan, son of Shri Bundel Singh Gandharva, aged about 55 years resident of village Manki PO Salheghori, Tah and P.S. Lormi, Distt. Bilaspur (C.G.).

43. Man Singh, son of Shri Tihar Singh Gond, aged about 50 years resident of village Mahbonda, Nawadih, Lormi, Distt. Bilaspur (Chhattisgarh).

44. Bharat Lal son of Janaklal Shrivastava, aged about 52 years resident of village Nawagaon, PO Dindauri, Tah and P.S. Lormi, Distt. Bilaspur (Chhattisgarh).

45. Chandan Singh son of Shri Thutha Singh Gond, aged about 34 years resident of village Vanparikshetra Pandariya (East) Distt. Kawardha (Kabirdham).

46. Narayan son of Shri Dhelau Marar, aged about 34 years resident of village Vanparikshetra Pandariya (East) Distt. Kawardha (Kabirdham).

47. Shiv Ram son of Shri Lakhan Dewangan, aged about 39 years resident of village Vanparikshetra Pandariya (East) Distt. Kawardha (Kabirdham).

296

48. Santosh son of Shri Ram Kumar Pandey, aged about 40 years resident of village Vanparikshetra Pandariya (East) Distt. Kawardha (Kabirdham).

49. Sushil Chandra son of Shri Ram Pankaj Sharma, aged about 38 years resident of village Vanparikshetra Pandariya (East) Distt. Kawardha (Kabirdham).

50. Jodhan Singh, son of Shri Shyam Singh Thakur, aged about 36 years resident of village Vanparikshetra Pandariya (East) Distt. Kawardha (Kabirdham).

51. Purnanand, son of Shri Budhram Pandey, aged about 47 years resident of village Vanparikshetra Pandariya (East) Distt. Kawardha (Kabirdham)

52. Baldau, son of Shri Awadh Sakat, aged about 47 years resident of village Vanparikshetra Pandariya (East) Distt. Kawardha (Kabirdham).

53. Vishwanath son of Shri Lal Singh Haldar, aged about 46 years resident of village Vanparikshetra Pandariya (East) Distt. Kawardha (Kabirdham).

54. Gagan Singh, son of Shri Lal Singh Raj, aged about 39 years resident of village Vanparikshetra Pandariya (East) Distt. Kawardha (Kabirdham).

55. Ram Khilawan, son of Shri Birbal Mohle, aged about 44 years resident of village Vanparikshetra Pandariya (East) Distt. Kawardha (Kabirdham).

56. Sudama son of Shri Kanhaiya Chandel, aged about 56 years resident of village Vanparikshetra Pandariya (East) Distt. Kawardha (Kabirdham).

57. Mahetaru, son of Ghansiya gond, aged about 37 years resident of

village Vanparikshetra Pandariya (West) Distt. Kawardha (Kabirdham).

58. Tijau son of Shri Goverdhan Chandravanshi, aged about 49 years resident of village Vanparikshetra Pandariya (West) Distt. Kawardha (Kabirdham).

59. Faghu Ram son of Shri Bisahu Ram Dhruve, aged about 44 years resident of village Vanparikshetra Pandariya (West) Distt. Kawardha (Kabirdham).

60. Radhelal son of Shri Nain Singh Gond, aged about 38 years resident of village Vanparikshetra Pandariya (East) Distt. Kawardha (Kabirdham).

61. Dilip son of Shri Ram Sahav Chandrakar, aged about 33 years, resident of village Vanparikshetra Pandariya (East) Distt. Kawardha (Kabirdham).

62. Vijay son of Shri Kamta Kashyap, aged about 34 years resident of village Vanparikshetra Pandariya (East) Distt. Kawardha (Kabirdham).

63. Ravindra son of Shri Kunwar Man Rajput, aged about 36 years resident of village Vanparikshetra Pandariya (East) Distt. Kawardha (Kabirdham).

64. Ratan son of Shri Milan Yadav, aged about 40 years resident of village Vanparikshetra Pandariya (West) Distt. Kawardha (Kabirdham).

65. Munna son of Shri Bedu Ram Yadav, aged about 40 years resident of village Vanparikshetra Pandariya (East) Distt. Kawardha (Kabirdham).

66. Santram son of Shri Milap Gadhewal, aged about 53 years, resident of village Vanparikshetra Pandariya (East) Distt. Kawardha (Kabirdham).

298

67. Ram Prasad Mishra, son of Shri Prabhu Dayal Mishra, aged about 43 years resident of village Vanparikshetra Pandariya (East) Distt. Kawardha (Kabirdham).

68. Vakil, son of Shri Chaitram Sahu, aged about 38 years resident of village Vanparikshetra Pandariya (East) Distt. Kawardha (Kabirdham).

69. Vijay son of Shri Balram Tiwari, aged about 40 years resident of village Vanparikshetra Pandariya (East) Distt. Kawardha (Kabirdham).

70. Chhoturam son of Shri Rajaram Sahu, aged about 53 years resident of village Vanparikshetra Pandariya (East) Distt. Kawardha (Kabirdham).

71. Sheshpuri, son of Shri Latelpuri, Goswami, aged about 43 years, resident of village Vanparikshetra Pandariya (West) Distt. Kawardha (Kabirdham).

72. Mohan son of Shri Norhu dhimar, aged about 46 years resident of village Vanparikshetra Pandariya (East) Distt. Kawardha (Kabirdham).

73. Sundar son of Shri Dasaru Kewat, aged about 48 years resident of village Vanparikshetra Pandariya (East) Distt. Kawardha (Kabirdham).

Versus

**RESPONDENTS**

1. State of Chhattisgarh, through Principal Secretary, Department of Forest Government of Chhattisgarh, D.K.S. Bhawan, Mantralay, Raipur (Chhattisgarh).

2. Principle Secretary, Department of General Administration D.K.S. Bhawan, Raipur Chhattisgarh.

299

3. Principle Secretary, Department of Finance D.K.S. Bhawan, Mantralay, Raipur (C.G.).

---

Present : Shri R. Pradhan, learned counsel for the petitioners.
Shri Prashant Mishra, learned Additional Advocate General for the State.

---

**ORAL ORDER**
**(Passed on 19th April, 2006)**

The following oral order of the Court was passed by

**S.R. NAYAK, CJ.**

In these writ petitions preferred either by the Association of the daily wagers or the daily-wagers themselves, it is complained that their services were not regularized in terms of the Circular dated 09-01-1990, marked as Annexure-P/1 at page 12 of the material papers produced in W.P. No. 1781/2003, though all of them were appointed as daily-wagers prior to 31-12-1988. By issuing the Circular Annexure-P/1, the undivided State of Madhya Pradesh directed that the services of all those daily-wagers who were appointed prior to 31-12-1988 should be regularized. It is further directed in the Circular that in any department posts are not available for regularization, additional posts should be created and regularization should be effected.

2. The main grievance of the petitioners is that in terms of the above circular, their services ought to have been regularized, because, they were appointed on daily wage basis prior to 31-12-1988. The writ petition was opposed by the respondents by filing return. In the return, it is stated that since there are no vacancies in the sanctioned posts, services of the petitioners-daily-wagers could not be regularized. It

300

was also contended that the services of the petitioners could not be regularized against the vacancies which are meant for the reserved categories of people.

3. We have heard learned Counsel for the parties and perused the material papers placed before us, particularly Government Circular dated 09-01-1990. It is quite clear from that document that the daily-wagers appointed by the various Departments of the Government prior to 31-12-1988 are required to be regularized in those departments against the vacancies available. It is further directed in the Circular that if no vacancies are available, supernumerary posts should be created in order to regularize the services of the eligible daily-wagers. It is complained that in pursuance of the above circular, similarly circumstanced daily-wagers' services were regularized in other departments. We do not find any justification for the State to treat the petitioner-daily-wagers differently from the similarly circumstanced other daily wagers appointed prior to 31-12-1988 in other departments of the State. In that view of the matter, we dispose of these writ petitions directing the respondents to consider the claims of the members of the petitioner-Association or the petitioners for regularization of their services, in the first instance, by verifying the records whether they were appointed prior to 31-12-1988 in the department, and if it is found that they were appointed prior to 31-12-1988, then, the respondents shall regularize their services of such daily-wagers in terms of the Circular dated 09-01-1990. It is further directed that if required number of posts are not available presently to regularize services of all the petitioners, in terms of the Circular dated 09-01-1990, the respondents shall create required number of

301

supernumerary posts and regularize their services. The above direction shall be complied with within a period of three months from the date of receipt of a copy of this order. No costs.

| | |
|---|---|
| **Sd/-**<br>**Chief Justice** | **Sd/-**<br>**Dilip Raosaheb Deshmukh**<br>**Judge** |